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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,319	08/15/2003	Andre Denys	FDS-109-A	2846

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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,319

Applicant(s)

DENYS, ANDRE

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 16 is objected to under 37 CFR 1.75 as being essentially a duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 27 recites the limitation "said opposite sides" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 10-22 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,890,261 to Mantarakis. Mantarakis discloses a door handle assembly comprising;

a non-symmetrically shaped handle (12) having first and second ends (38) and first and second surfaces, the handle positionable in one of a left and right hand configuration for permitting the first and second surfaces to be optionally installed in an outward facing position; and an escutcheon plate (10) having at least one post (20) integrally extending therefrom for spacing the handle away from the escutcheon plate.

Art Unit: 3677

As to claims 2-5, 12-15 and 18-22, Mantarakis discloses that the handle assembly further includes a base portion (at 38) with apertures (54) having countersunk portions (52). The handle as shown in Fig. 1 having a main grip portion at 12 with the base portion, which connects to the escutcheon plate, the base portion defining a C-shaped profile (28, 32, 38) with the main grip portion arcuately oriented in an opposite direction thereof. Posts, (20) having first and second ends operable to space the handle from the escutcheon plate are provided at mounts (34) extending from the escutcheon plate defining apertures (48). The mounts including walls having an orthogonal and parallel profile with respect to the longitudinal axis of the escutcheon plate and the C-shaped profile of the base portion of the handle being substantially flush with ends (36) of the escutcheon plate. Fasteners (16) connect the handle to the door.

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated USDPN 397,023 to Subliskey. Subliskey shows a door handle for a structure comprising, a generally C-shaped symmetrical body having opposite ends and substantially identical opposite faces and means (defined by the cylindrical fastening tubes) operatively associated with opposite sides for mounting the handle on a structure with either face showing outwardly from the structure.

As to claims 28 and 29, the faces are seen as substantially flat and parallel with upper and lower arcuate arms forming a semi-circular arch as seen in Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantarakis. Referring to claims 6-9, Mantarakis does not specifically disclose that the posts are internally threaded nor is an internally threaded barrel nut provided and positioned internally with respect to the post. However, it is well known in the art to have fastener parts having a threaded or engaging design to securely fasten one part relative to another, instead, Mantarakis discloses that the posts are used to align a threaded fastener with an opening or aperture within the door for a straight-through connection to reduce looseness of the fastener once the handle is assembled or threaded into the openings within the door. It is obvious to one of ordinary skill in the art at the time of applicant's invention was made to have threaded posts and or barrel nuts to provide a connection from a handle to a door that reduce looseness of the working parts once the handle is assembled.

As to claims 23-26, Mantarakis does not specifically disclose that the handle has oval or j-shaped profiles as claimed. It is well known within the art that a change in shape is considered a design choice and one of ordinary skill would recognize that the handle of Mantarakis could be modified into various shapes and designs. Furthermore, applicant does not state that a handle having oval shapes and j-shape profiles solves any relevant problem or is for a particular purpose and the handle assembly of Mantarakis operates equally as well.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Birch, Ditzig et al and Lee disclose handle devices that are positionable for left and right orientation and capable of meeting the limitations of applicant's base claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ



ROBERT J. SANDY
PRIMARY EXAMINER